IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 34509 of 2006(G)

PETITIONER:

KAMALADHARAN, SECRETARY,
ALAPPAD GRAMA PANCHAYAT, KOLLAM.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:
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1. **THE DIRECTOR OF PANCHAYATHS,**
   THIRUVANANTHAPURAM.

2. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY TO GOVERNMENT, DEPARTMENT OF
   LOCAL SELF GOVERNMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **S. PRADEEP, SECRETARY,**
   THIUVANVANDOOR GRAMA PANCHAYAT,
   ALAPPUZHA.

4. **THE DEPUTY DIRECTOR OF PANCHAYATS,**
   KOLLAM.

5. **THE DEPUTY DIRECTOR OF PANCHAYATS,**
   ALAPPUZHA.

BY ADV. SRI.K.P.SATHEESAN - R3
SRI.K.K.GOPINATHAN NAIR
BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR – R1,R2, R4 & R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.34509/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE TRANSFER ORDER ISSUED BY 1ST RESPONDENT VIDE ORDER NO.E8-12755/05 DT.20.11.06.

EXT.P2:- COPY OF THE ORDER E8-12755/05 DT.11.12.06.

EXT.P3:- COPY OF THE GOVERNMENT ORDER (MS) NO.215/05/LSGD DT.26.7.05.

EXT.P4:- COPY OF THE TRANSFER ORDER NO.E8-12755/05 DT.2.1.07.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE ORDER NO.E8-12755/05 DT.2.9.06 ISSUED BY THE DIRECTOR OF PANCHAYATS.

EXT.R3(b):- COPY OF THE ORDER NO.E8-12755/05 DT.31.10.05 ISSUED BY THE DIRECTOR OF PANCHAYATS.

EXT.R39c):- COPY OF THE ORDER NO.E8-12755/05 DT.20.11.06 ISSUED BY THE DIRECTOR OF PANCHAYATS.

EXT.R3(d):- COPY OF THE LETTER GIVEN BY THE PRESIDENT OF ALAPPAD GRAMA PANCHAYAT BEFORE THE DIRECTOR OF PANCHAYATS DT.21.11.06.

EXT.R3(e):- COPY OF THE RESOLUTION PASSED BY THE ALAPPAD GRAMA PANCHAYAT COMMITTEE AT ITS MEETING HELD ON 28.12.06.

/TRUE COPY/

tss

K.K.DENESAN, J.

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WP(C).No.34509 OF 2006-G.
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Dated this the 24th day of January, 2007.

J U D G M E N T

The challenge is to Ext.P2 order to the extent it affects the petitioner, that is to say, in as much as he stands transferred to Alappuzha Grama Panchayat from Alappad Grama Panchayat in Kollam district. The petitioner has been displaced in order to accommodate the 3rd respondent. The petitioner as well as the 3rd respondent belong to the category of Secretary of Grama Panchayats.

2. The petitioner commenced service in June, 2006 and he got a posting in Kozhikode district. On his request he was transferred as per Ext.P1 order in Aivana Grama Panchayat. Within a short period of time he got a transfer to Alappad Grama Panchayat. Subsequently, as per Ext.P2 order passed on 11-12-2006, the Director of Panchayats has transferred the petitioner from Alappad Grama Panchayat and he has been posted to Thiruvanvandoor Grama Panchayat in Alappuzha district. It is contended that Ext.P2 order is in utter violation of the guidelines issued by the Government particularly Ext.P3.

3. The 3rd respondent submits that he was posted in

Alappad Grama Panchayat based on the request made by the Grama Panchayat and just on completion one year service he has been displaced to accommodate the petitioner who was comparatively a new recruit in the Panchayat Department. Subsequently, the Director of Panchayats thought it proper to post the 3rd respondent in Alappad Grama Panchayat transferring the petitioner to Thiruvanvandoor Grama Panchayat. It was under the above circumstance Ext.P2 order was passed. Some other Secretaries also were transferred as per the very same order.

4. The facts and circumstances borne out from the pleadings of the parties show that the impugned order of transfer cannot be assailed as arbitrary or illegal so as to call for the interference of this Court. The petitioner is the beneficiary of two transfers nearer to his place of choice. The present order of transfer allowing the 3rd respondent to continue at Alappad Grama Panchayat taking into consideration the request made by the panchayat authorities, need not be interfered.

Accordingly, the writ petition is dismissed.

K.K.DENESAN, JUDGE.

kvs/-